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SENATE

{ REPORT
No. 589

POSTAL TELEGRAPH-CABLE CO.

DECEMBER 9 (legislative day, DECEMBER 7), 1943.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2340]

The Committee on Claims, to whom was referred the bill (H. R. 2340) for the relief of Postal Telegraph-Cable Co., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts will be found fully set forth in House Report No. 657, Seventy-eight Congress, first session, which is appended hereto and made a part of this report and your committee concur in the recommendations of the House.

[H. Rept. No. 657, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2340) for the relief of the Postal Telegraph-Cable Co., having considered the same, report favorably thereon with an amendment and recommend that the bill as amended to pass.

The amendment is as follows:

Page 1, line 6, after the words "sum of" strike out the language "\$1,506.81, in full satisfaction of its claim" and insert in lieu thereof the language "\$1,501.48, in full settlement of all claims".

The purpose of the proposed legislation is to pay to the Postal Telegraph-Cable Co., of New York, N. Y., the sum of \$1,501.48, in full settlement of all claims against the United States for reimbursement of expenses incurred in rebuilding and restoring an aerial cable line at the foot of Seventh Street in Oakland, Calif., which was demolished by the crashing of a United States Navy TBF-1 airplane, on December 2, 1942, while engaged in making a flight over Oakland, Calif.

STATEMENT OF FACTS

On December 2, 1942, a naval escort scouting squadron was on an authorized flight from the United States naval air station, Alameda, Calif. When the squadron was over Oakland, Calif., a collision between two Navy airplanes occurred and the rudder and vertical stabilizer of one of the airplanes were lost, causing the airplane to go out of control. The Navy pilot parachuted to safety, but the plane crashed into an aerial cable line of the Postal Telegraph-Cable Co. at the foot of Seventh Street in Oakland and the plane and cable were demolished.

As a result of this accident, the Postal Telegraph-Cable Co., by letter dated January 5, 1943, submitted a claim to the commanding officer, Escort Scouting Squadron 20, to which was attached an itemized statement of the estimated cost of repairs totaling \$1,501.48. The commanding officer considered the itemized statement of costs reasonable, but the claim could not be settled under any general law, making it necessary for relief to be sought by private law.

The Navy Department admits liability, saying in its report, in pertinent part: "As the damages occasioned by the crash resulted from no fault of the Postal Telegraph-Cable Co., the Navy Department, subject to the comments set forth in the fourth paragraph hereof, considers H. R. 2340 meritorious * * *."

The bill was introduced for \$1,506.81, the amount the claimant sets out in its affidavit as having been expended for rebuilding and restoration of the cable, but since its itemized statement to the Navy Department was in the sum of \$1,501.48, which was considered reasonable, your committee have amended the bill to pay to the claimant the latter amount, \$1,501.48.

Your committee, agreeing with the Navy Department that the bill is meritorious and the amount reasonable, therefore, recommend favorable consideration of the proposed legislation.

Appended hereto is the report of the Navy Department, together with other pertinent evidence, all of which is made a part of this report.

NAVY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 20, 1943.

HON. DAN R. McGEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to bill H. R. 2340, for the relief of the Postal Telegraph-Cable Co., and your letter of April 8, 1943, requesting a report of the facts and an expression of opinion as to the merits of the bill.

The purpose of the bill is to authorize the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Postal Telegraph-Cable Co. of New York, the sum of \$1,506.81, in full satisfaction of its claim for reimbursement of expenses incurred in rebuilding and restoring an aerial cable line in Oakland, Calif., which was demolished by the crashing of a Navy airplane on December 2, 1942.

The records of the Department disclose that on December 2, 1942, a naval escort scouting squadron was on an authorized flight from the United States naval air station, Alameda, Calif. When the squadron was over Oakland, Calif., a collision between the Navy airplane TBF-1 No. 06002 and TBF-1 No. 00495 occurred and the rudder and vertical stabilizer of the latter airplane were lost, causing the airplane to go out of control. The Navy pilot parachuted to safety but the plane crashed into an aerial cable line of the Postal Telegraph-Cable Co. at the foot of Seventh Street in Oakland and the plane and cable line were demolished.

As a result of this accident, the Postal Telegraph-Cable Co., by letter dated January 5, 1943, submitted a claim to the commanding officer, Escort Scouting Squadron 20, to which was attached an itemized statement of the estimated cost of repairs, totaling \$1,501.48. Copies of that letter and the itemized estimate of the costs of repairs, are enclosed herewith. The commanding officer considered the itemized statement of costs reasonable but was of the opinion that there appeared to be a duplication of charges for hauling and truck expense. The Navy Department has no information as to the exact cost of the damage repairs.

The claim of the Postal Telegraph-Cable Co. cannot be settled by the Secretary of the Navy under any existing appropriation for the Navy or the naval service.

As the damages occasioned by the crash resulted from no fault of the Postal Telegraph-Cable Co., the Navy Department, subject to the comments set forth

in the fourth paragraph hereof, considers bill H. R. 2340 meritorious and has no objection to the bill if the Congress decides that as a matter of grace, relief is proper in this case.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Very truly yours,

FRANK KNOX,
Secretary of the Navy.

POSTAL TELEGRAPH-CABLE CO.,
San Francisco, Calif., January 5, 1943.

Lt. Comdr. JOHN P. REMBERT, Jr.,
Escort Scouting Squadron Twenty,
Naval Air Station, Alameda, Calif.

DEAR SIR: Please refer to your letter of December 31, 1942, requesting a complete itemized statement of charges for labor, material, and other disbursements necessary for the restoration of our plant damaged by United States Navy plane No. 00495 on December 2, 1942, near the Seventh Street subway, adjacent to the Southern Pacific Co. tracks, Oakland, Calif.

The attached statement of costs is estimated, as the work is not yet completed and it will be approximately 30 days before the charges will be cleared through the books and the actual cost known; however, the attached statement will be fairly close to actual costs.

The cable damaged was a 60-pair, 16-gage conductor (120 wires) and was filled to nearly capacity with working circuits. At the time of the damage to this cable, we cut as many circuits to other routes as we had available spare conductors. It was necessary to obtain leased wires from the Pacific Telephone & Telegraph Co. to restore some of our main line wires between San Francisco and Fresno, Sacramento, Stockton, and San Jose, and in addition we temporarily installed a turret in our Oakland office to handle our local teletype customers between San Francisco and the East Bay area. We also strung 20 pair of temporary insulated wire between the 2 severed ends of the cable to restore the remaining circuits in the cable and to cancel the leased wires from the telephone company, mentioned above.

The temporary restoration of our service as set forth in the preceding paragraphs was completed on the night of December 3, 1942, and involved considerable expense due to overtime paid on the night of December 2, 1942.

If the attached itemized break-down of costs does not provide you with the information you requested, please advise us and we will forward you any further details that we are able to furnish at this time.

Yours very truly,

J. DELAHANTY,
Division Plant Superintendent.

Itemized statement of estimated costs to repair cable on 7th St. at underpass damaged by U. S. Navy plane No. 00495 on Dec. 2, 1942

Item	Number of items	Unit cost	Total
Labor:			
Element:			
Messenger, erect.....	600 feet.....	\$0.10	\$60.00
Rings, place.....	400.....	.045	18.00
Cable, pull in.....	450 feet.....	.175	80.50
Splices, tag.....	2.....	25.75	51.50
Poles:			
Set, 40 feet (quicksand).....	2.....	23.00	46.00
Haul.....	3.....	4.00	12.00
Remove.....	1.....	10.00	10.00
Cable remove.....	453 feet.....	.125	56.63
Messenger and catenary remove.....	600 feet.....	.10	60.00
Cable, cut up and haul.....	360 feet.....	.055	19.80
Pole, move, 45 feet.....	1.....	20.00	20.00
String and remove twist pair.....	2,000 feet.....	.02	40.00
Cut-over and cut-back circuits.....	86.00
Cut-in turret, Oakland office.....	1.....	60.00	60.00
Cut-out turret, Oakland office.....	1.....	40.00	40.00

Itemized statement of estimated costs to repair cable on 7th St. at underpass damaged by U. S. Navy plane No. 00495 on Dec. 2, 1942—Continued

Item	Number of items	Unit cost	Total
Labor—Continued.			
Element—Continued.			
Clear cable and messenger from railroad.			\$15.00
Make temporary splices.....	2.....	\$10.00	20.00
			635.43
Supervision, 25 percent.....			73.86
Social security and unemployment insurance, 4 percent.....			27.82
Pension and benefit costs, 4 percent.....			27.82
Tool expense, 2 percent.....			13.91
Total labor.....			938.84
Material:			
Cable, 30 quad, 16 ga. AAU.....	460 feet.....	.40	184.00
Strand, 16 per thousand.....	600 feet.....	46.60	27.96
Rings, cable, 3-inch.....	400.....	17.32	6.92
Clamps:			
Guy, 3-bolt.....	18.....	.39	7.02
Suspension, 3-bolt.....	3.....	.36	1.08
Bolts:			
Cross arm, 5/8 by 12-inch.....	3.....	12.48	.39
Thimbleye, 3/4 by 12-inch.....	2.....	.35	.70
Plates, strain.....	6.....	.15	.90
Washers:			
2 1/4 inches square.....	6.....	.02	.12
3 inches square.....	2.....	.07	.14
Sleeves:			
Lead, 3 by 18-inch.....	2.....	1.50	3.00
Cotton, DW 5/16 inch.....	2 cartons.....	.49	.98
Muslin, 4-inch.....	2 rolls.....	.21	.42
Solder, wiping 40/60.....	8 pounds.....	.28	2.24
Paraffin.....	5 pounds.....	.08	.40
Strand, 10 per thousand.....	100 feet.....	.33	3.30
Poles, 40 feet TWC cl. 3.....	2.....	24.40	48.80
			288.37
Supply expense, 10 percent.....			28.84
Total material.....			317.21
Other disbursements:			
Element:			
Truck expense.....			135.00
Hauling.....			40.00
Board and lodging.....			23.00
Traveling expenses.....			22.00
Miscellaneous.....			12.00
Leased circuit rental.....			111.53
Total other disbursements.....			343.53
Salvage:			
Cable:			
30 qd. 16 ga.....	90 feet.....	.40	36.00
30 qd. 16 ga. (junk).....	1,460 pounds.....	.05	73.00
			109.00
Less 10 percent handling charge.....			(10.90)
Net salvage.....			98.00
Net total cost labor, material, other disbursements, less salvage.....			1,501.48

AFFIDAVITS

COUNTY OF COOK,
State of Illinois, ss:

Mr. John Delahanty, being first duly sworn on oath, deposes and says that he is division plant superintendent of the Postal Telegraph-Cable Co. of 22 Battery Street, San Francisco, Calif., a public service telegraph carrier, and that on February 26, 1943, the said Postal Telegraph-Cable Co. did render to the United States Government a bill in amount \$1,506.81, covering the cost and expense to said company of repairing its said telegraph line at the foot of Seventh Street in Oakland, Calif., as a result of said line being damaged on December 2, 1942, by

an airplane belonging to the United States Government, and on information and belief, at the time being operated by the United States Government; that the said bill covers all of the charges incurred and the salvaged material reclaimed as a result of said damage and that there were no plant betterments as a result of said repairs, inasmuch as said telegraph line was in first-class condition before it was struck and damaged by the said plane of the United States Government.

J. DELAHANTY,
*Division Plant Superintendent, Postal Telegraph-Cable Co.,
 San Francisco, Calif.*

Subscribed and sworn to before me this first day of April, 1943.

[SEAL]

GEORGE F. PAU, *Notary Public.*

COUNTY OF NEW YORK,
State of New York, ss:

Mr. William J. Deegan, being first duly sworn, on oath, deposes and says that he is a Vice President of the Postal Telegraph-Cable Co., of 157 Chambers Street, New York City, N. Y., a public service telegraph carrier, and that on February 26, 1943, the said Postal Telegraph-Cable Co. did render to the United States Government a bill in amount \$1,506.81 covering the cost and expense to said company of repairing its telegraph line at the foot of Seventh Street in Oakland, Calif., as a result of said line being damaged on December 2, 1942, by an airplane belonging to the United States Government, and on information and belief, at the time being operated by the United States Government; that said bill was for the true and actual cost and expense to the said Postal Telegraph-Cable Co. for said repairs and that said company is entitled to the full amount of said bill for \$1,506.81 and cannot in fairness to itself accept any settlement for less than that amount.

The deponent therefore asks that the full amount of said bill be paid to the Postal Telegraph-Cable Co.

WILLIAM J. DEEGAN,
*Vice President, Postal Telegraph-Cable Co.,
 New York, N. Y.*

Subscribed and sworn to before me this 1st day of April 1943.

[SEAL]

DENNIS G. P. FREEMAN, *Notary Public.*

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